

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, December 7, 1999, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

CHARLES V. SMITH
CHAIRMAN
First District

THOMAS W. WILSON
VICE CHAIRMAN
Fifth District

TODD SPITZER
SUPERVISOR
Third District

JAMES W. SILVA
SUPERVISOR
Second District

CYNTHIA P. COAD
SUPERVISOR
Fourth District

ATTENDANCE: All present

EXCUSED: None

PRESENT: COUNTY EXECUTIVE OFFICER Janice M. Mittermeier
COUNTY COUNSEL Laurence M. Watson
CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Coad, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Chairman Smith will introduce Ms. Maria Serenius Consul General of Finland

II. CONSENT CALENDAR (Items 1-42)

53241 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 33 WHICH WAS CONTINUED TO 12/14/99, 9:30 A.M. AND ITEMS 40 AND 41 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SILVA**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency** - Alcohol and Drug Advisory Board and Local Suppression of Drug Abuse in Schools Advisory Committee - Appoint Roy H. Richardson, Huntington Beach, for term ending 10/28/02 - All Districts

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COMMENDATIONS/PROCLAMATIONS

2. **Chairman Smith** - Adopt resolution commending Mayor John J. Collins for his service as Mayor of Fountain Valley for 1999 R99-478
3. **Supervisor Silva** - Adopt resolution commending Dr. Robert Huntley for eight years of volunteered leadership with the Water Task Force R99-485
4. **Supervisor Wilson** - Adopt resolution commending Carl St. Clair for his major contribution to the arts R99-486

HEALTH CARE AGENCY

5. Approve letter of agreement with Orange County Superior Court of California for treatment services to Drug Court Program - All Districts
6. Adopt resolution approving agreement with Kenneth T. Miller, M.D., for provision of physician services as Emergency Medical Services Assistant Medical Director, 12/7/99 - 9/30/00 (\$56.86 hourly); and approve his appointment to the Emergency Medical Services Quality Assurance Board to complete term ending 6/30/00 - All Districts R99-487
7. Approve amended scope of work and increase price agreement N2000000614 with Fulbright & Jaworski, LLP, for legal services pertaining to Yorba Park and Coyote Canyon Landfill (\$150,000); renewable for one additional year - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

8. Approve termination of agreement with Orange Disposal Company, Inc. and amend agreement with Ware Disposal Co., Inc. for commercial solid waste handling, Franchise Area Five - District 3
9. Approve assignment of agreement from Solag Disposal Company, Inc. to CR&R Incorporated for solid waste handling services, Franchise Area Nine and make appropriate findings - District 5

JOHN WAYNE AIRPORT

10. Approve plans and specifications and set bid opening for 1/12/00, 2:00 p.m., for reconstruction of Taxiway "A" - District 5

ORANGE COUNTY PUBLIC LIBRARY

11. Approve price agreement N1000002351 with Library Associates for professional services to catalog music collection, 12/7/99 - 9/30/00 (\$65,000) - District 2

PLANNING AND DEVELOPMENT SERVICES

12. Approve Tract 15818, Taylor Woodrow Homes, Inc., Newport Coast area; accept easement for scenic preservation over Lots A, D, F, Q and T; approve construction agreement S999-2652 and accept bonds guaranteeing construction of improvements - District 5

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13. Adopt resolution regarding proposed Midbury Annexation to City of Brea (CA99-02) allocating 100% of negotiable property taxes to City of Brea for five years following annexation and thereafter allocating property tax revenues in accordance with the Master Property Tax Share agreement - District 3 R99-488

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

14. Receive and file Traffic Committee Report dated 10/21/99 and approve recommendations - Districts 1 & 5
15. Certify completion of private street improvements, street lights, sewer and water systems and monumentation; and authorize release of bonds, Tract 13574, Coto De Caza, Ltd., Coto De Caza area - District 5
16. Adopt resolution certifying completion of street improvements, street lights, water and sewer systems and monumentation; authorizing release of bonds and accepting public street improvements, Tract 15065, Kaufman and Broad - South Coast, Inc., Coto De Caza area - District 5 R99-489
17. Accept work and approve notice of completion, Palp, Inc. d.b.a. Excel Paving Company for construction of Beach Boulevard from 0.1 mile south of Lincoln Avenue to 0.1 mile south of State Route 91, Cities of Anaheim and Buena Park; project completed 6/9/99 (\$7,083,355); adopt resolution relinquishing jurisdiction over portions of Beach Boulevard within city limits - District 4
R99-490
18. Approve agreement with Signs of Support, Inc. for one-year pilot program for placement of advertising signs on non-emergency vehicles; authorize revenues received to be utilized for County-conducted educational programs in Orange County Regional Parks, and direct staff to prepare assessment report at end of pilot program - All Districts
19. Adopt resolution certifying completion of street improvements, street lights, water and sewer systems, landscaping and monumentation; authorizing release of bonds and accepting public street improvements, Tract 13851, Fieldstone Trabuco Partners, Santa Margarita area - District 3
R99-491
20. Adopt resolution certifying completion of street improvements, street lights, water and sewer systems and monumentation; authorizing release of bonds and accepting public street improvements, Tract 14212, Fieldstone Trabuco Partners, Santa Margarita area - District 3 R99-492
21. Adopt resolution certifying completion of street improvements, street lights, water and sewer systems, landscaping and monumentation; authorizing release of bonds and accepting public street improvements, Tract 13854, Fieldstone Trabuco Partners, Santa Margarita area - District 3
R99-493
22. Adopt resolution certifying completion of street improvements, street lights, sewer and water systems and monumentation; authorizing release of bonds and accepting public street improvements, Tract 14753, Foothill Ranch Company, Foothill Ranch Planned Community - District 3
R99-494

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- 23 . Certify completion of private street improvements, street lights, water and sewer systems and monumentation; and authorize release of bonds, Tract 15336, Coto De Caza, Ltd., Coto De Caza area - District 5
- 24 . Approve lease with State Lands Commission for 35 acres of tide and submerged lands, Sunset Harbour, Anaheim Bay - District 2
- 25 . Receive bids and award contract to HL Miller Construction, Inc. for secured prisoner bus bay, Harbor Justice Center, Newport Beach (\$85,968) - District 5
- 26 . Approve continuance of emergency at the Santa Ana River at First Street in Santa Ana; receive and file status report; and continue matter to 12/21/99 for further consideration - District 1 (Continued from 11/9/99, Item S36F; 11/23/99, Item 33)

SOCIAL SERVICES AGENCY

- 27 . Adopt resolution authorizing Director to sign documents pertaining to County's acquisition of 4.0 acre parcel, Tustin Air Base - District 5
R99-495
- 28 . Approve amended lease with Orangewood Children's Foundation extending lease one year to complete construction and remodeling, Orangewood Children's Home, Orange; and make California Environmental Quality Act findings - District 4

PUBLIC PROTECTION

Sheriff-Coroner:

- 29 . Approve price agreement N1000002342 with Lifecom, Inc. of service/repair for Survivair Air Paks self-contained breathing apparatus, 12/10/99 - 12/09/04 (\$90,000) - All Districts
- 30 . Adopt resolution approving agreement 99-011-37 with the State for Peace Officer Standards and Training certified basic narcotics training courses, 7/1/99 - 6/30/00 (\$68,375) - All Districts
R99-496
- 31 . Approve agreement with Community Services Programs, Inc. for domestic violence victim services, 10/1/99 - 9/30/00 (\$98,686) - All Districts

GENERAL ADMINISTRATION

County Executive Office:

- 32 . Receive and file Annual Report for Acquisition of Real Property Interests acquired under delegated authority, FY 1997-98 - All Districts
- 33 . Approve agreement with Southern California Water Committee for one-year grant allocation to develop and implement a public information program - All Districts

53241 **CONTINUED TO 12/14/99, 9:30 A.M.**

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- 34 . Approve agreement with City of Rancho Santa Margarita for cash flow loan for new City of Rancho Santa Margarita (\$50,000) - Districts 3 & 5
- 35 . Approve price agreement N1000002367 with Standard Insurance Company for third-party administrative services for Management, Attorney and Craft & Plant Disability Salary Continuance Plan, Reserve Deputy Sheriff Disability Income Protection Plan and Reserve Deputy Sheriff Accidental Death and Dismemberment Plan, 1/1/00 - 12/31/01, renewable for three additional years - All Districts

Treasurer-Tax Collector:

- 36 . Adopt resolution approving agreement with City of Laguna Beach for purchasing tax-defaulted real property, Assessor's Parcel Number 644-404-14 (\$3,200) - District 5
R99-497
- 37 . Approve application for Discharge of Accountability for collection of unpaid delinquent secured property taxes on Assessor's Parcel No. 057-152-20, FY's 1981-1982 through 1983-1984 (\$9.92) - All Districts
- 38 . Approve agreement with Costa Mesa Sanitary District as an outside participant in the County Treasury for purposes of investments - All Districts
- 39 . Approve amended price agreement N1000001745 with Amy Bates for various Performance Incentive Program publications extending terms to 12/6/00 (\$40,000) - All Districts

Chairman Smith:

- 40 . Approve Community Social Program Grant funds to Asian American Senior Citizens Association; approve budget adjustments and make appropriate findings, 12/7/99 - 6/30/00 (\$6,000)
- 53241
N **APPROVED AS RECOMMENDED**
- 41 . Approve Community Social Program Grant funds to Little League Baseball Dist. 62, Westminster; approve budget adjustments and make appropriate findings, 12/7/99 - 6/30/00 (\$4,000)
- 53241
N **APPROVED AS RECOMMENDED**
- 42 . **Clerk of the Board** - Approve 2000 Board of Supervisors and MCAS El Toro Redevelopment Authority Meeting Schedules - All Districts

END OF CONSENT CALENDAR

S U M M A R Y A C T I O N M I N U T E S

III. DISCUSSION ITEMS (Items 43-S51A)

HEALTH CARE AGENCY

43. Adopt resolution approving letter of award with State Department of Health Services for local assistance
funding for tuberculosis control and prevention, 7/1/99 - 6/30/00 (\$1,105,047) - All Districts
53241 **APPROVED AS RECOMMENDED** R99-498

ORANGE COUNTY PUBLIC LIBRARY

44. Select Kishimoto Architects, Inc., as primary and Brion S. Jeannette & Associates, Inc., as alternate architectural-engineering firms for design and remodeling of existing Irvine Heritage Park Branch Library; and authorize negotiation of agreement for Board approval - District 5
- 53241 **APPROVED AS RECOMMENDED**

PUBLIC FACILITIES AND RESOURCES DEPARTMENT

- 45 . Authorize Director or designee to certify the completion of privately-owned subdivision improvements and approve amendments to future standard subdivision agreements regarding improvement maintenance - All Districts (Continued from 11/9/99, Item 28; 11/23/99, Item 59)
- 35241 **APPROVED AS RECOMMENDED WITH DIRECTION TO STAFF TO IMMEDIATELY PROVIDE AFFECTED HOMEOWNER ASSOCIATIONS WITH COPY OF CERTIFICATION**
- 46 . Approve change order 5 to agreement D98-068 with All American Asphalt for construction of Valencia Avenue improvements, Phase I (\$376,613 reduction; new total \$681,153) - District 3
- 35241 **APPROVED AS RECOMMENDED**
- 47 . Adopt resolution to designate the Agricultural Commissioner as the local coordinator for the Red Imported Fire Ant Program; approve work plan and budget (\$2,460,046); direct Agricultural Commissioner to return to the Board for approval of contract with California Department of Food and Agriculture, subcontract with Orange County Vector Control District for public outreach, detection and treatment services, provide status reports to the Board every 90 days and chair oversight committee - All Districts
- 53241 **APPROVED AS RECOMMENDED**
- R99-499

Acting as the Orange County Flood Control District:

- | | |
|-------|--|
| 48. | Approve change order 4 to agreement D96-200 with Brongo Construction for resolution of claims, Santa Ana-Delhi Channel, Santa Ana (\$99,000; new total \$816,132) - District 2 |
| 24351 | <u>APPROVED AS RECOMMENDED</u> |
| 49. | Approve Prado Dam Real Property pre-acquisition activities to initiate improvements for Santa Ana River Mainstem Project - All Districts |
| 24351 | <u>APPROVED AS RECOMMENDED</u> |

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PUBLIC PROTECTION

50. **Sheriff-Coroner** - Relieve the lower bidder Urbantic Engineers, Inc. for obligations; receive and award contract to Alexander Associates for remodeling administrative offices, Santa Ana (\$557,117) - District 1
12345 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

51. Approve amended price agreement N1000001586 with Deloitte & Touche to increase monetary limit and to reflect new rates and updated scope of work, 12/9/98 - 12/8/99 (\$780,000; new total \$1,065,000); approve price agreement N2000001586 with Deloitte & Touche for continued performance management training, marketing and communications strategy, 12/9/99 - 12/8/00 (\$400,000); and make related budget adjustments - All Districts (R.A. 6 - 4/5 vote)
35241 **APPROVED AS RECOMMENDED**
- S51A. **Chairman Smith** - Authorize Registrar of Voters to designate the "Safe and Healthy Communities Initiative" as Measure "F" on the March 7, 2000 ballot
14235 **APPROVED AS RECOMMENDED**

IV. PUBLIC HEARINGS (Items 52-53)

HEALTH CARE AGENCY

52. Public Hearing to consider adopting resolution rescinding Resolution 98-41, effective 12/31/99 and approve establishing a spay/neuter fee for canines adopted at the Orange County Animal Shelter, effective 1/1/00; approve implementation of mandatory fine structure imposed under AB 1856 for impounding of unaltered animals and a deposit fee of \$40.00 for animals released without being sterilized and make California Environmental Quality Act findings - All Districts (Continued from 11/23, Item 73) R99-500
B.O. **CLOSED PUBLIC HEARING**

- 34251 **APPROVED AS AMENDED TO ADD RECOMMENDATION 3 TO PROVIDE THE BOARD WITH A STATUS REPORT EVERY 60 DAYS FOR THE 1ST YEAR AND INCLUDE THE ESTABLISHMENT OF STAFF PROTOCOLS REGARDING ANIMAL HEALTH; AND RECOMMENDATION 4 TO REPORT BACK TO THE BOARD IN 6 MONTHS WITH A COST ANALYSIS OF THE FEE STRUCTURE TO INSURE FULL COST RECOVERY AND ADEQUATE ANIMAL CARE**

S U M M A R Y A C T I O N M I N U T E S

53. Public Hearing to consider adopting resolution approving Park Lands agreement with City of Laguna Niguel and Laguna Niguel Community Services District for acquisition of one acre of land for park and open space purposes, in return for one acre of land for local park and slope maintenance; approve and accept grant and easement deed from Laguna Niguel Community District and City of Laguna Niguel; and make California Environmental Quality Act and other findings - District 5

B.O. **CLOSED PUBLIC HEARING**

R99-501

52341 **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

- CS-1. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL -- PENDING LITIGATION: County Counsel request a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: Jan J. Nolan v. County of Orange, Orange County Superior Court Case No. 797677 - All Districts

B.O. **HELD; THE CHAIRMAN REPORTED THE FOLLOWING: BY UNANIMOUS VOTE, THE BOARD AUTHORIZED COUNTY COUNSEL TO APPEAL THE DECISION OF THE SUPERIOR COURT IN THAT CASE. THE BOARD TOOK NO OTHER REPORTABLE ACTION.**

- SCS2. **County Counsel** - CONFERENCE WITH LEGAL COUNSEL - PENDING LITIGATION: County Counsel requests a closed session to discuss with the Board of Supervisors the status of pending litigation pursuant to Government Code Section 54956.9(a). The case is: McCarthy Building Companies, Inc., et al. v. County of Orange, The Austin Company, et al., Orange County Superior Court Case No. 815150 - All Districts

B.O. **DELETED**

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS: None

BOARD COMMENTS:

Supervisor Silva - Comments regarding 5th Anniversary of County Bankruptcy

ADJOURNED: 11:32 A.M.

13245 **ADJOURNED IN MEMBORY OF ALEX KOBA**

S U M M A R Y A C T I O N M I N U T E S

*** KEY ***

Left Margin Notes

- 1. v Chairman Smith
- 2. v Supervisor Silva
- 3. v Supervisor Spitzer
- 4. v Supervisor Coad
- 5. v Supervisor Wilson

Right Margin Notes

- A. v Abstained
- X. v Excused
- N. v No
- BO v Board Order
- O. v Ordinance
- R. v Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

CHARLES V. SMITH, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board